Claims 1-44, originally pending in parent application serial number 09/947,078, have been cancelled, and claims 45-84 have been added to this continuation application.

Applicants await an examination on the merits.

If there is any fee due in connection with the filing of this Preliminary Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN HENDERSON FARABOW
GARRETT & DUNNER LLP

Dated: March 14, 2003

By: _____
Eric P. Raciti
Reg. No. 41,475

APPENDIX TO PRELIMINARY AMENDMENT
VERSION WITH MARKINGS TO SHOW CHANGES MADE

45. An implantable device for therapeutically or prophylactically treating the annulus of a patient's intervertebral disc, the annulus having an aperture having an aperture dimension along a selected axis, said device comprising a body having a delivery configuration and an implanted configuration, wherein:

in said delivery configuration said device has at least one first dimension no larger than said aperture dimension; and

in said implanted configuration said device has at least one second dimension at least as large as said aperture dimension.

46. The implantable device of claim 45, wherein said second dimension lies along a different axis than said first dimension.

47. The implantable device of claim 46, wherein, in use, said device is constructed and sized to be capable of subannular reorientation.

48. The implantable device of claim 47, wherein said reorientation comprises rotation.

49. The implantable device of claim 47, wherein said reorientation comprises deforming the device.

50. The implantable device of claim 45, wherein said second dimension results from causing or allowing the device to expand from said delivery configuration.

51. The implantable device of claim 45, wherein said aperture dimension is a lateral width measured substantially perpendicular to the normal axis of the spine.

52. The implantable device of claim 45, wherein said aperture dimension is a height measured substantially parallel to the normal axis of the spine.

53. The device of claim 45, wherein at least a portion of the device is formed at least in part of synthetic biocompatible material.

54. The implantable device of claim 53, wherein said biocompatible material is polyethylene.

55. The device of claim 45, wherein at least a portion of the device is formed at least in part of bioresorbable material.

56. The device of claim 45, wherein at least a portion of the device is formed at least in part of polytetrafluoroethylene.

57. The device of claim 45, wherein at least a portion of the device is formed at least in part of material to facilitate regeneration of disc tissues.

58. The device of claim 45, wherein at least a portion of the device is formed at least in part of shape memory material.

59. The implantable device of claim 58, wherein said shape memory material is nitinol.

60. The device of claim 45, wherein said device further comprises a flexible bladder.

61. The device of claim 60, wherein said bladder further comprises a fluid.

62. The device of claim 61, wherein said fluid is a gel.

63. The implantable device of claim 45, wherein said aperture dimension is measured during delivery of said implantable device.

64. The implantable device of claim 45, wherein said aperture dimension is measured after delivery of said implantable device.

65. The implantable device of claim 45, wherein said aperture dimension is measured before delivery of said implantable device.

66. The device of claim 45, wherein at least a portion of the device is formed at least in part of a polymer.

67. The device of claim 66, wherein at least a portion of the device is formed at least in part of a polymeric sheet.

68. The device of claim 45, wherein at least a portion of the device is formed at least in part of allograft.

69. The device of claim 45, wherein at least a portion of the device is formed at least in part of autograft.

70. The device of claim 45, wherein at least a portion of the device is formed at least in part of xenograft.

71. The device of claim 45, wherein at least a portion of the device is formed at least in part of porous mesh.

72. The device of claim 45, wherein at least a portion of the device is formed at least in part of fibrous material.

73. The device of claim 45, wherein at least a portion of the device is formed at least in part of biocompatible fabric.

74. The device of claim 45, further comprising an attachment element for facilitating fixation of the device to anatomical features of the patient.

75. The device of claim 74, wherein said anatomical features include vertebral bodies.

76. The device of claim 74, wherein said anatomical features include the annulus fibrosus.

77. The device of claim 45, further comprising attachment means for securing said device within the patient.

78. The device of claim 77, wherein said attachment means comprise sutures.

79. The device of claim 77, wherein said attachment means comprise tension bands.

80. The device of claim 77, wherein said attachment means comprise staples.

81. The device of claim 77, wherein said attachment means comprise barbs.

82. A device for treating a defect in an intervertebral disc annulus, the device comprising of a body having a delivery configuration and an implanted configuration, wherein:

in said delivery configuration said device has at least one first dimension permitting the device to be passed into or through the defect; and,

in said implanted configuration said device has at least one second dimension that is at least as large as said defect.

83. An implantable device for treating an aperture in the annulus fibrosus of an intervertebral disc, the device comprising a collapsible body, wherein the body is characterized by:

a first collapsed configuration dimensioned to be at least partially delivered through the aperture; and,

a second expanded configuration having at least one dimension at least as large as said aperture.

84. A device for treating an intervertebral disc having an aperture in the annulus fibrosus, wherein the aperture provides a pathway for the migration of intradiscal material from the subannular space, the device comprising a barrier body wherein the body has:

a first dimension during deployment permitting said device to pass through the aperture and,

a second post-deployment dimension whereby said second dimension at least partially spans said aperture, thereby restricting the migration of intradiscal material through the aperture.